IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 3445 OF 2006.**

Mahesh Shantilal Chordia .. Applicant
V/s
The State of Maharashtra ..Respondent.

Shri M.S. Mohite for the applicant.
Shri S.S. Pednekar, A.P.P.for the respodnent.

**CORAM : S.C. DHARMADHIKARI, J.**

**DATE : 19TH SEPTEMBER, 2006.**

P.C.

. When this application was called out, I enquired with Shri Mohite and also learned APP as to whether the offences alleged against the applicant are bailable.

2. Shri Mohite has invited my attention to Section 6(1-A) of the Indian Wireless Telegraphy Act 1933 and has contended that the subject CR also alleges offence punishable under Indian Wireless and Telegraphy Act. The punishment being three years, the said offence is non-bailable.

3. In such circumstances, the application is

maintainable.

4. The applicant is apprehending arrest in connection with Cr.No. 3142 of 2006 dated 29th August, 2006 alleging offence punishable under Section 427 of Indian Penal code, as also the aforesaid provisions of Indian Wireless and Telegraphy Act.

5. On perusal of the application and the annexures thereto, prima facie, it appears to be a dispute between two cable net work operators over the transmission of the programmes, which are received on the cable net work. The case of the applicant is that he had in fact complained about the acts of one Hiteshsingh Bharatsingh Raghuwanshi and said Hitesh has been arrested on 29th August, 2006.

6. The allegation is that the applicant had brought Hitesh for disturbing cable net work of the complainant. However, the prosecution has alleged that said Hitesh and one Shabbhir have during the course of investigation stated that they have done the acts complained of at the instance of the applicant.

7. The applicant was protected by the trial Court for some time. From the allegations in the complaint preferred by one competitor cable net work, it appears that the dispute is about transmission and the distribution allegedly by each other in the Net work utilised for the same. Now, the statements of the concerned persons have been recorded and the main accused is under arrest.

8. The applicant has no antecedent and is willing to cooperate in investigations. Since the applicant has brought to the notice of the concerned authorities the acts of the main accused, it would be proper to grant him pre arrest bail.

i) In the event of the arrest of the applicant in connection with C.R. No. 3142/2006 registered with Bhadrakali Police Station, Nasik, the applicant shall be enlarged on bail in the sum of Rs. 15,000/- with one or two sureties in the like amount.

ii) The applicant shall attend Bhadrakali Police Station, Nasik as and when summoned.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

**( S.C. DHARMADHIKARI, J.)**